



Employer's Return-to-Work Guide



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Employer's Return-to-Work Guide

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Workplace Safety, the Best 'Insurance'



The best way to “manage” workers’ compensation costs is to prevent injuries. An effective accident prevention program will help you identify hazards in your company that could lead to injuries — and prevent them from happening.

Prevention teams from the Department of Labor and Industries (L&I) help employers by offering a customized package of services geared specifically to their needs, based on their particular workplace and injury history.

In addition, L&I offers a number of online services to help employers improve workplace safety. Learn more at www.LNI.wa.gov/safety.



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Return to work: Good for your business, your employees, your bottom line.

Calamity strikes. One of your employees is injured on the job and faces a lengthy recovery. You're concerned about your employee and you're concerned about your company — not to mention the cost of your workers' compensation insurance.

Workers' comp claims involving time off work can drive up your rates. However, for the vast majority of claims, steps taken early can speed the employee's recovery and reduce claims costs.

It is just good business to know about these return-to-work options, in case a claim occurs. This booklet explains the importance of "return to work" in assuring the best possible recovery for your employee with the least impact on your business.

What is 'return to work'?

Return to work simply means helping your employee get back to work as soon as possible after a job-related injury or illness. For example, he or she could work shorter hours, do different work temporarily or perform "light duty" until fully recovered.

Keeping your employee connected with the workplace is both good medicine and good business. Research has shown that effective return-to-work strategies promote a

faster recovery and prevent a downward spiral into disability. Return-to-work options can take many forms and there are many resources to assist you.

How you benefit

Providing return-to-work options benefits the injured employee — and it reduces the financial impact on your workers' compensation premiums. Simply put, employers with better injury records pay less. In the landscaping industry, for example, premiums range from 57 cents to \$1.84 per hour, per employee, depending on the employer's claims history. In restaurants and taverns, that range is 21 cents to 75 cents, in concrete work, 61 cents to \$3.76. **Less time off work translates into less impact on the premiums you pay.**

In addition to reducing claims costs and insurance premiums, an effective return-to-work strategy:

- ▶ Encourages communication between you and your injured employee — a key factor in his or her recovery.
- ▶ Allows a skilled and experienced employee to continue working for you.
- ▶ Keeps loss of productivity to a minimum.
- ▶ Reduces the costs of training new employees.
- ▶ Creates an opportunity to complete work usually left undone.
- ▶ May reduce the risk of re-injury.

Protect Your Claim-Free Discount!

Employers qualify for a claim-free discount after three years without a "compensable" claim (a claim involving time-loss or a permanent disability award).

The discount saves employers between 10 and 40 percent from the base insurance rate for their risk class, depending on the company's size.

A single compensable claim will eliminate the claim-free discount. This means using return-to-work options to prevent time-loss or keeping the injured employee on the payroll may cost you less than losing the claim-free discount.

For more information, contact your account manager in the Employer Services section of L&I, 360-902-4817.



Return to work:
Good for your business, your employees,
your bottom line.

How your employees benefit

Return-to-work options help preserve long-term earning power:

- ▶ Keeps the employee active and speeds medical recovery.
- ▶ Shifts focus from “dis-ability” to ability.
- ▶ May reduce the risk of re-injury.
- ▶ Provides a sense of job security.
- ▶ Allows the employee to maintain contact with co-workers.
- ▶ Shows you value your employee and his/her contributions to your company.



Ingredients for a successful RTW strategy

A successful return-to-work strategy begins with commitment from the business owner and/or top management. Commitment means:

- ▶ Believe in the benefits of return to work – for your company and your employees.
- ▶ Develop a written procedure for returning injured workers to the workplace. This information should be part of your new employee orientation, so all employees know what to do if an injury occurs.
- ▶ Designate a return-to-work lead. Ideally, this person would accompany an injured worker to the initial doctor's visit and support him/her through the return-to-work process. The RTW lead should have the responsibility **and the authority** to facilitate return to work.

Risk management specialists from the Department of Labor and Industries (L&I) can help you set up a return-to-work process and answer your questions. (See Page 11 for contact information.)

Why is Return to Work Important?

One Company's Experience

Many factors determine premium costs including number of employees, types of jobs performed and the number and costs of claims. One especially important factor is how long an employee is unable to work due to his or her injury. A small grocery store with 11 employees recently discovered this. In 2002, the store had a workers' compensation claim that involved extensive time off work. That claim caused the company's experience factor to increase from 0.9000 in 2003 to 1.1125 in 2004, and increased annual premiums by \$2,400.

Assuming this store operates on a 2 percent profit margin, the store would need to generate an additional **\$200,000** in sales annually, just to “break even” on the increase. Because the claim impacts rates for three years, the total sales needed to offset the increase could exceed **\$600,000**.

Every business's situation is different, but this store's experience illustrates that the decision to find accommodations and develop effective return-to-work strategies makes good economic sense.



Know the options. How 'return to work' works.

Successful return to work means you keep a valuable employee and limit the financial impact of his/her claim on your insurance premiums. Employers and employees who remain in close communication and work together are best able to limit time off the job.

You – the employer – can be the catalyst for achieving return to work as quickly as possible. The process you and your employee use may be very informal, or you may choose a more documented process, depending on the situation.

The informal process

The process can be informal when return to work is progressing smoothly. If you and your employee are functioning as partners in the process, there is less need to create a paper trail or involve Labor and Industries. You may want to use this informal process when:

- ▶ Good communication exists between you and your employee.
- ▶ There is agreement between you and your employee about his/her ability to perform a different job.
- ▶ Your employee is motivated to return to work, or to keep working, after an injury.

See "How It Works" (at right) for an example of how an informal process can lead to a successful return to work.

Tips for success with an informal process

1. Talk to your employee and determine if physical restrictions will keep him/her from performing regular duties.
2. Depending on the answers to "1," modify your employee's job to meet those restrictions.
3. Consider placing your employee in an alternative job during recovery, if you cannot modify the regular job.
4. Talk with your employee's doctor if you and/or your employee have any significant questions or issues regarding restrictions.

HOW IT WORKS:

A RETURN-TO-WORK SUCCESS STORY

An electrical contractor with a dedicated safety program arranged for an injured employee to do a light-duty job that involved compiling and updating information on locks and tags. The employee used the Internet and called local contacts to gather information and identify new technology. The company incorporated what he learned into its lockout/tagout program.

While a company cannot and should not rely on light-duty assignments for its core safety program, this example shows that an injured employee can be productive and provide a valuable service while recovering from an injury.



Know the options.
How 'return to work' works.

How much documentation do you need?

In some cases, you will want to document your attempts to return your employee to work. For example, you may want to be certain the light-duty work sufficiently accommodates physical restrictions or you are not clear what those restrictions are. Documentation is useful if your injured employee is not cooperating with your efforts to return him or her to work. If these situations occur, you may choose to do one or more of the following:

- ▶ Ask the attending physician to specify work restrictions in writing.
- ▶ Provide a written description of the work duties to the attending physician for comment. (See Page 14.)
- ▶ Send a letter to your employee specifying the job title, supervisor, hours, location and start date for the return to work.
- ▶ Follow the process described in Section 3, *After an injury*.

Disagreements

What should you do if you and your employee disagree about the best course of action, or confusion exists, and you and your employee are unable to resolve the problem? Contact the L&I office nearest you. We can help you and your injured employee achieve a safe and timely return to work. (See Page 9 for additional information.)

Return-to-work options — transitional jobs

A transitional job is a way for your employee to return to work when restrictions preclude him/her from performing the job held when the injury occurred. It allows your employee to work for you while he/she is still recovering. There are several types of transitional jobs.

Modified work

Modified work involves an adjustment or alteration to the way a job is normally performed in order to accommodate the employee's physical restrictions. This can be as simple as changing the lifting requirements. "Job modification" funds may be available from L&I to help you purchase tools, equipment or appliances that allow your employee to work.

HOW IT WORKS:

A RETURN-TO-WORK SUCCESS STORY

Job Modification

An office worker injured her neck in a car accident that occurred during work-related travel. Limited neck motion kept her from performing clerical work full time. L&I provided job modification funds to buy a high-backed chair that supported her neck. The chair had a movable cushion she could lean her neck against, which allowed the neck muscles to relax. She was able to resume full-time work.

Know the options.
How 'return to work' works.

Part-time work

Part-time work is an option when the doctor has not released your employee for full-time work. Your employee's doctor will monitor his/her progress, authorizing gradual increases in hours worked and the variety of tasks performed.

HOW IT WORKS:

A RETURN-TO-WORK SUCCESS STORY

Gradual Return

After falling at work and hurting her lower back, a housekeeper in a resort spent more than a month on wage-replacement (time-loss) benefits, then tried to return to her full-time job and couldn't. With assistance from L&I, the employer arranged a part-time job that involved only supervisory duties. The doctor provided a medical release for the employee to perform this work and gradually return to her regular duties. While working part-time, the employee received "loss of earning power" benefits — a combination of wages and wage-replacement (time-loss) benefits.

Alternative work

Alternative work is a different job within your company that meets the physical restrictions the doctor specifies. It can be an existing job or an identified set of job tasks that you need done, but no one has tackled.

HOW IT WORKS:

A RETURN-TO-WORK SUCCESS STORY

A Different Job

A diesel mechanic injured his wrist when a tire he was repairing blew apart. In the first phase of his recovery, this employee could not do any work in the shop. Because the employer valued his employee's knowledge and didn't want to lose it, he created a temporary job as a technical advisor to other mechanics from an office location near the shop. Later, the employee returned to the shop and was able to do some of the tasks of his regular job. He eventually resumed his full duties. Today, the diesel mechanic uses specially adapted tools to compensate for loss of strength and motion in the injured wrist.

Useful Terms



Employer of record: The employer for whom the employee worked at the time he or she experienced a work-related injury.

Job of injury: The job the employee held when the injury occurred.

Light-duty work: Temporary or permanent work that is less vigorous or less physically taxing than the work the employee performed before the injury or illness. "Light-duty work" and "transitional job" are often used interchangeably; however, light-duty work can be permanent. A transitional job is temporary.

Know the options.
How 'return to work' works.

Return-to-work options — permanent jobs

Sometimes, an injury precludes returning to exactly the same job. Once the doctor determines that your injured employee has restrictions, you can offer new permanent employment. Permanent employment may be alternative work or a modification of the job your employee held when injured.

HOW IT WORKS:

A RETURN-TO-WORK SUCCESS STORY Modification of Job

A lumber mill worker's job involved handling varying sizes and weights of wood products during a sorting process at the mill. This employee experienced a musculoskeletal injury to her hand. Careful medical assessment determined that the injury would likely flare up again if the employee resumed the same duties she had previously performed. The employer created a permanently modified job where the employee handled only the smaller products, allowing her to keep working and avoid re-injury.

Requirements for offering jobs

Transitional job

The transitional job you offer your injured employee must be a valid offer. This means:

- ▶ The job must be with you – the employer of record.
- ▶ The job should provide a meaningful and respectful work environment.
- ▶ The job must be gainful: paying at least the relevant minimum wage.
- ▶ You must continue the health and welfare benefits the employee received at the time he/she was injured unless it conflicts with the benefit program and collective bargaining agreement.

Permanent job

A permanent job offer must be "bona fide":

- ▶ It is reasonably continuous work or matches the employee's employment pattern at the time of injury (full-time versus part-time and seasonal versus year round).
- ▶ It is gainful: paying at least the relevant minimum wage (wage and healthcare benefits do not need to be identical to those at the time of injury).
- ▶ It is meaningful: both inherently valuable to the employer and not demeaning to the employee.

Useful Terms

Maximum medical improvement:

This is the point where an injured employee's condition is not likely to improve significantly with further medical treatment. Permanent restrictions may need to be identified at this point.

Accommodation: Modified or alternative work that allows an injured employee to work within his/her physical restrictions while injured.

Kept on salary: Some employers choose to keep an employee on salary for a limited period of time when the attending doctor recommends total work restriction. This practice can help keep the employer's rates down. The wages and medical benefits paid must be the same as those the employee received at the time of injury.



Before and after: What you should do if your employee gets hurt.

Preventing injuries takes dedication and work. It is not something you can accomplish as an afterthought – when there is a lull in production or during a staff meeting. It takes an ongoing commitment from you and your employees, with assistance from the Department of Labor and Industries. Do all you can to prevent injuries in your company.

Before an injury

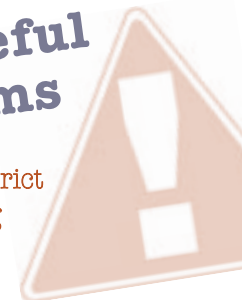
Resources to help you build or enhance your workplace safety program are plentiful. If you belong to a trade association or Retro group, check to see what they have to offer. You will find information on L&I's services on Pages 9-12.

- ▶ Establish a strong safety program.
- ▶ Write job descriptions for all positions.
- ▶ Identify light-duty positions and develop transitional return-to-work opportunities.
- ▶ Make sure your employees know how "return to work" benefits them.
- ▶ Be prepared to act quickly, if an injury occurs.
- ▶ Report any injuries to your return-to-work lead.

After an injury

- ▶ **Submit your portion of the Report of Accident to L&I.**
- ▶ **Contact your injured employee and stay in contact.**
 - ✓ Get in touch right away to communicate your concern about the injury. Let this person know you will do what you can to get him or her back to work as soon as possible. Often, this type of phone call alone will provide encouragement and help your injured employee recover faster.
- ▶ **Contact the attending doctor. Ask about physical abilities, restrictions and limitations.**
 - ✓ Call the doctor as soon as you are aware that your employee will be away from work with a job-related injury or illness. The employee's signature on the Report of Accident allows the doctor to release to you medical information relevant to the claim.
 - ✓ Ask the doctor how soon he/she expects to release your employee for work and whether there are any work restrictions. Note: You can ask the doctor to evaluate the job of injury as well as any other light-duty position available to your employee.
- ▶ **If you need help communicating with the doctor, contact L&I. (See Page 9.)**

Useful Terms



Restrictions: The doctor may restrict an injured employee's work during recovery. Restrictions may limit work activities (no lifting, for example) or temporarily reduce the number of hours the employee can work.

Transitional job: A transitional job is a temporary job, other than the employee's full-duty regular work, that an employee's doctor agrees he/she can perform during recovery. A transitional job or light-duty work can continue until the employee's condition has reached medical stability or the doctor determines that permanent restrictions are required.

Before and after:
What you should do if your employee gets hurt.

► **Identify job duties the employee could perform.**
Create a job description that describes these duties.

A job description is a one- or two-page document that describes a proposed light-duty (transitional) job. It is the basis for communicating with your employee's doctor to determine physical work restrictions. It should describe:

- ✓ Job duties and tasks the job requires.
- ✓ Tools and equipment required to perform the job.
- ✓ How often and how long the employee would do the tasks.
- ✓ Physical demands required to perform the job.
- ✓ Work hours, location and start date; identify assigned supervisor.

Ideally, the job description would include an indication of possible accommodations. See Page 14 for a sample job description.

Note: An injured employee who has a full release for the job of injury is not eligible for wage-replacement (time-loss) compensation.

► **Send the job description to your employee's doctor.**

- ✓ When you send the job description, be sure to indicate how soon you need a response.
- ✓ The doctor will review the job description and determine whether your employee can safely perform the proposed job duties.

- ✓ The doctor must approve the job description before your employee begins these duties.

- ✓ If someone other than you makes decisions about return to work, give the doctor that person's name and telephone number.

► **Send the job description to your employee.**

► **If the doctor releases your employee to perform the work in the job description, offer your employee the job.**

- ✓ Once the doctor agrees that the job is safe for this employee to do and gives medical approval, offer the job to the employee. Everyone needs to know what this person is able to do safely and adhere to the approved job description.

► **Make a written job offer.**

- ✓ You may want to put the offer in writing so that your employee clearly understands the job duties, start date, hours and restrictions. See the sample letter on Page 16.
- ✓ If you made a verbal job offer and your employee did not show up, you must send a formal written job offer, preferably by certified mail. If this situation occurs, contact the claim manager and send him/her all documentation. The workers' compensation benefits your employee receives could be affected if he/she refuses a medically approved position.

After your employee returns to work

- Regularly check with the employee to see how his/her work and recovery are progressing.
- Make certain any restrictions on work tasks are being met.
- Continue contact with the doctor; obtain his/her approval for changes in duties.
- Notify the claim manager if you are not able to accommodate ongoing or permanent restrictions.





How L&I can help you: Experts, services and dollars.

Helping injured employees return to work as soon as medically possible is a priority for the Department of Labor and Industries. Return-to-work options can speed your injured employee's recovery, and reduce the financial impact of a workers' compensation claim. Everyone benefits — you, your injured employee and the workers' compensation system.

We are also committed to providing services that help you successfully implement return-to-work options. Taking advantage of the services we offer can benefit your injured employee and your company's financial health. There are no fees for these services.

Early Return-to-Work teams

We have enhanced claim-handling processes to help injured employees return to their jobs as soon as medically possible. When an employee has received partial wage-replacement (time-loss) benefits for 14 days, we assign that claim to an Early Return-to-Work (ERTW) team in a local L&I office. The team works with the employee, employer and medical provider to explore return-to-work possibilities.

Members of the Early Return-to-Work teams are vocational, therapy and nurse consultants. They are trained professionals who know how to talk with doctors

and help employers implement medically appropriate return-to-work options. They can work with you to take advantage of other resources and services that are appropriate for your injured employee.

You don't have to wait until we contact you. If you have an employee who is off work due to a work-related injury or occupational illness, contact the Early Return-to-Work team in the L&I office nearest you. See the list of RTW contacts and telephone numbers on Pages 11-12.

RTW-related services

Risk management services

A risk management specialist can meet with you to help you develop return-to-work tools and explain other strategies to minimize your workers' compensation costs and premiums. Also, learn about risk management workshops L&I offers, at www.LNI.wa.gov/ClaimsIns/Insurance/Workshops.

Loss of earning power (LEP) benefit from L&I

If your injured employee returns to a transitional position at a reduced pay level, he or she may be entitled to payments to help offset the difference between the original wage and the temporary wage.

Ergonomics consultation

An ergonomist or therapist consultant from L&I can assess whether a job modification could help your employee return to work earlier. Modifications include adjustments to the work site or workstation, or tools or equipment that allow your employee to work within his/her limitations.

Job modification benefit

You may be eligible for up to \$5,000 from L&I to make work site modifications that will help bring your injured employee back to work.

Vocational assistance

Vocational services consultants at L&I may be able to help you resolve problems in starting or sustaining a return-to-work option.

Preferred Worker Program

Qualifying employers who hire workers who meet specific criteria may be entitled to premium discounts. You can find additional information online at www.PreferredWorker.LNI.wa.gov.

Safety resources**Build an injury-free company**

Every employer should answer “yes” to these questions:

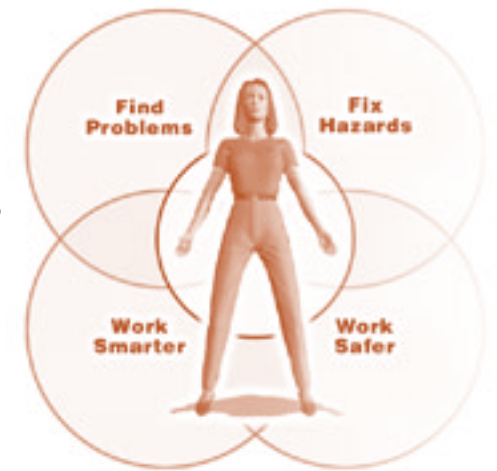
- ▶ Do you know the hazards in your business, and how to fix them?
- ▶ Are your employees involved in promoting safety at your workplace?
- ▶ Do you know how to prevent future injuries?

If you answer “no” to any of these questions, you could benefit from free safety consultation services from L&I. Learn more at www.SafetyConsultants.LNI.wa.gov or call a local L&I office.

Safety training online

Free online safety and health training on a wide variety of topics makes it easier than ever for you and your employees to learn about workplace safety. There are over 65 safety courses and topic overviews for employers to help you address safety awareness concerns, such as chemical and biological hazards, first aid and fire safety. There are 13 short online videos in English and Spanish covering common serious hazards. Twelve training kits provide materials and the information needed to meet specific WISHA safety and health training requirements.

- ▶ View the online safety training: www.LNI.wa.gov/Safety/TrainTools.
- ▶ Learn more about workplace safety and health rules: www.SafetyRules.LNI.wa.gov



How L&I can help you:
Experts, services and dollars.

Return-to-Work contacts at Labor and Industries

Chelan and Douglas Counties

509-886-6500, Customer Service Specialist
509-764-6939, Vocational Services Consultant
509-454-3874, Therapist Consultant
509-454-3729, Occupational Nurse Consultant
509-454-3779, Risk Management Specialist
509-454-3785, Risk Management Specialist

Clallam and Jefferson Counties

360-417-2700, Customer Service Specialist
253-596-3878, Vocational Services Consultant
253-596-3880, Therapist Consultant
253-596-3904, Occupational Nurse Consultant
360-415-4011, Risk Management Specialist

Clark and Klickitat Counties

360-896-2300, Customer Service Specialist
360-575-6931, Vocational Services Consultant
360-902-6768, Therapist Consultant
360-896-2393, Risk Management Specialist

Ferry, Stevens, Pend Oreille Counties

509-684-7417, Customer Service Specialist
509-324-2610, Vocational Services Consultant
509-324-2629, Vocational Services Consultant
509-324-2550, Therapist Consultant
509-324-2559, Occupational Nurse Consultant
509-324-2546, Risk Management Specialist
509-324-2623, Risk Management Specialist

Franklin and Adams Counties

509-735-0100, Customer Service Specialist
509-454-3780, Vocational Services Consultant
509-454-3874, Therapist Consultant
509-454-3729, Occupational Nurse Consultant
509-454-3779, Risk Management Specialist
509-454-3785, Risk Management Specialist

Grant and Kittitas Counties

509-764-6900, Customer Service Specialist
509-764-6939, Vocational Services Consultant
509-454-3874, Therapist Consultant
509-454-3729, Occupational Nurse Consultant
509-454-3779, Risk Management Specialist
509-454-3785, Risk Management Specialist

Grays Harbor and Mason Counties

360-533-8200, Customer Service Specialist
360-533-8217, Vocational Services Consultant
360-902-6768, Therapist Consultant
360-902-4842, Risk Management Specialist

King County

206-835-1000, Customer Service Specialist (Tukwila)
206-515-2800, Customer Service Specialist (Seattle)
425-990-1400, Customer Service Specialist (Bellevue)

206-835-1032, Vocational Services Consultant
206-515-2833, Vocational Services Consultant
206-835-1020, Therapist Consultant
206-515-2812, Occupational Nurse Consultant
206-515-2832, Risk Management Specialist
425-990-1457, Risk Management Specialist



Return-to-Work contacts at Labor and Industries

Kitsap County

360-415-4000, Customer Service Specialist
253-596-3878, Vocational Services Consultant
253-596-3880, Therapist Consultant
253-596-3904, Occupational Nurse Consultant
360-415-4011, Risk Management Specialist

Okanogan County

509-826-7345, Customer Service Specialist
509-764-6939, Vocational Services Consultant
509-454-3874, Therapist Consultant
509-454-3729, Occupational Nurse Consultant
509-454-3779, Risk Management Specialist
509-454-3785, Risk Management Specialist

Pierce County

253-596-3800, Customer Service Specialist
253-596-3878, Vocational Services Consultant
253-596-3880, Therapist Consultant
253-596-3904, Occupational Nurse Consultant
253-596-3925, Risk Management Specialist

Skagit County

360-416-3000, Customer Service Specialist
360-416-3043, Vocational Services Consultant
425-290-1382, Therapist Consultant
425-290-1331, Occupational Nurse Consultant
360-647-7319, Risk Management Specialist

Snohomish and Island Counties

425-290-1300, Customer Service Specialist
425-290-1383, Vocational Services Consultant
425-290-1382, Therapist Consultant
425-290-1331, Occupational Nurse Consultant
425-290-1364, Risk Management Specialist

Spokane and Lincoln Counties

509-324-2600, Customer Service Specialist
509-324-2610, Vocational Services Consultant
509-324-2629, Vocational Services Consultant
509-324-2550, Therapist Consultant
509-324-2559, Occupational Nurse Consultant
509-324-2546, Risk Management Specialist
509-324-2623, Risk Management Specialist

Thurston, Lewis and Pacific Counties

360-902-5799, Customer Service Specialist
360-902-6780, Vocational Services Consultant
360-902-6768, Therapist Consultant
360-902-4842, Risk Management Specialist

Wahkiakum, Cowlitz, Skamania Counties

360-575-6900, Customer Service Specialist
360-575-6931, Vocational Services Consultant
360-902-6768, Therapist Consultant
360-896-2393, Risk Management Specialist

Walla Walla and Columbia Counties

509-527-4437, Customer Service Specialist
509-454-3780, Vocational Services Consultant
509-454-3874, Therapist Consultant
509-454-3729, Occupational Nurse Consultant
509-454-3779, Risk Management Specialist
509-454-3785, Risk Management Specialist

Whatcom and San Juan Counties

360-647-7300, Customer Service Specialist
360-647-7337, Vocational Services Consultant
425-290-1382, Therapist Consultant
425-290-1331, Occupational Nurse Consultant
360-647-7319, Risk Management Specialist

Whitman, Garfield, Asotin Counties

509-324-5296, Customer Service Specialist
509-324-2610, Vocational Services Consultant
509-324-2629, Vocational Services Consultant
509-324-2550, Therapist Consultant
509-324-2559, Occupational Nurse Consultant
509-324-2546, Risk Management Specialist
509-324-2623, Risk Management Specialist

Yakima and Benton Counties

509-454-3700, Customer Service Specialist
509-454-3780, Vocational Services Consultant
509-454-3874, Therapist Consultant
509-454-3729, Occupational Nurse Consultant
509-454-3779, Risk Management Specialist
509-454-3785, Risk Management Specialist



Know the basics of workers' comp claims.

If you take an active role in dealing with a workers' comp claim, and communicate with your injured employee and his/her claim manager and doctor, you will have a much better chance of protecting yourself from unnecessary claim payments.

Stay informed

1. Make sure your employee immediately obtains required medical care from his or her preferred doctor or hospital. L&I will reimburse you for any required transportation costs. (You must request reimbursement in writing.)
2. Make sure you promptly complete the employer's report of an injury. This is your first – and in some ways the most important – chance to let L&I know your side of the story, especially if you question the validity of an injury claim. Please provide as much information as you can, and do not just repeat the employee's statements.
3. Obtain information about your worker's claim, including a phone number for the claim manager assigned to the claim. Visit the Claim and Account Center (www.ClaimInfo.LNI.wa.gov) to learn specifics about the claim or you can call a local L&I office.

4. Pay attention to any mail you receive from the Department of Labor and Industries. Some correspondence may indicate deadlines for you to appeal decisions regarding the claim.

Know your appeal rights

You have essentially the same status in a workers' comp claim as your injured employee. You may receive information and **appeal or protest** just as your injured employee does.

Don't delay. If your injured employee files a claim accompanied by a doctor's statement granting eligibility for time-loss benefits, L&I must send the first check within 14 days. That's the law.

Review orders you receive. There are two types of orders you may receive, "binding" (determinative) and "non-binding" (interlocutory). Verify that the information stated on the order is correct, and if it is not, contact L&I right away. An example would be if you discover your employee is continuing to receive time-loss checks, but he or she has already returned to work.

Remember, written orders from L&I specify a deadline for appeal or protest. You must take action within the indicated timeframe.

Use resource materials

You may find the following web sites and printed publications useful.

Web sites:

A step-by-step overview for understanding the claims process www.LNI.wa.gov/ClaimsIns/Claims/

Insurance for business – the section of L&I's web site specifically for employers www.LNI.wa.gov/ClaimsIns/Insurance/

Employers can check the status of a workplace injury claim or access their industrial insurance account through the online **Claim & Account Center**, seven days a week, from 4 a.m. to midnight.

www.ClaimInfo.LNI.wa.gov

Publications:

Employers' Guide to Industrial Insurance (F101-002-000)

This publication is available online at www.LNI.wa.gov/IPUB/101-002-000.pdf or by calling the L&I office nearest you.

Getting Back to Work: It's Your Job and Your Future

You can share this brochure with your employees. It is available at www.LNI.wa.gov/IPUB/200-001-000.pdf or by calling the L&I office nearest you. Request publication number F200-001-000.



Tools you can use.

Note: The following is a sample. A fillable form you can use as a template to create the job description is available at www.LNI.wa.gov/Forms/pdf/252040af.pdf on the L&I web site.

Sample Light-duty Job Description

Order Taker

Job Duties: In a dealer's auto parts department, takes orders from customers, utilizing telephone, fax and Internet. Checks on availability and price of parts, and advises customers. May write up order and invoice as appropriate.

Tools and equipment: Telephone, computer, desk, chair, paper and pen or pencil.

Frequency and duration of tasks: Worker can set task and speed level and has the flexibility to stand or sit as needed.

Physical demands limited to the following:

1. Frequent – Lift paper and writing implements weighing less than one pound.
2. Alternate sitting and standing as needed to write up orders and enter into computer.
3. Frequent – Handle and grasp writing implements to organize and record information.
4. Frequent – Fine finger manipulation to keyboard and organize paperwork.

No additional demands will be required of the worker without approval of the attending doctor. Any reasonable accommodation can be considered.

Employer's Signature: _____ Date: _____

Medical Release Date: _____

Physician Comments:

Physician's Signature: _____ Date: _____

Physician's printed name _____

Seldom = up to 10%

Frequent = 30% to 70%

Occasional = 10% to 30%

Constant = over 70%

**Sample Employer
Cover Letter to Doctor**

Date

ADDRESS BLOCK:

Worker's Treating Doctor

Address

City, State, Zip

RE: Light Duty for [Name of Employee]

Claim Number:

Dear Doctor:

To assist _____ in returning to work, we would like to offer a modified light-duty position. I have enclosed a copy of the proposed position. Please provide your medical opinion about this individual's ability to perform this job.

If further modifications or accommodations are needed, please describe them in detail. Thank you for treating our valued employee. Please call me if you have any questions or comments.

Sincerely,

Your name and title

cc: Labor and Industries' Claim Manager
Employee

Enclosure: Job description

**Sample Job
Offer Letter**

Date:

ADDRESS BLOCK:

Injured employee's name

Address

City, State Zip

Dear:

I am pleased to offer you transitional employment as an Order Taker that will accommodate your current physical capacities. The attached job description approved by your doctor on [appropriate date] describes your job duties.

Your work hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, which is a 40-hour week. This position will pay \$8.00 per hour. Please contact your L&I claim manager to determine if you are eligible for Loss of Earning Power benefits.

Your supervisor is _____. He has been made aware of your current work restrictions, which are no lifting and carrying of objects over 5 lbs. If you have trouble performing your job duties, you must let your supervisor know immediately.

Please report to your supervisor on Monday, April 1, at 8:00 a.m. Please call me if you do not accept this job offer. If I do not hear from you, and you do not report for work as scheduled, I will assume that you have decided not to accept this job offer. If you do not accept this job offer, it may affect your time-loss benefits.

Please contact me if you have any questions or concerns.

Sincerely,

Your name and title

cc: Labor and Industries' Claim Manager
Supervisor

Enclosure: Job description approved by doctor

Frequently Asked Questions about Job Modifications

1. What is a job modification?

A job modification is an adjustment or alteration to the way a job is performed. It is intended to accommodate the restrictions imposed by a work-related injury. A job modification may be temporary during recovery or it may be permanent.

2. Why should a job be modified?

Modifying a job helps an injured worker return to work more quickly. It typically decreases time loss and long-term disability.

3. Can you give me some examples of job modifications?

A worker developed carpal tunnel syndrome as a result of frequently gripping small pliers during mechanical work. His restrictions include reducing the amount of force he uses to grasp tools. Using pliers designed with larger and longer handles will reduce the force.

A worker with a back injury who has lifting restrictions has to manually lift boxes off a conveyor onto a pallet. The worker may benefit from a mechanical lifting device.

4. When can a job modification consultation be requested?

A job modification consultation should be requested:

- ▶ When the physician has identified restrictions that prevent the worker from doing his/her regular job.
- ▶ When a worker with an accepted workers' comp claim is off work due to the injury.
- ▶ When a worker with an accepted workers' comp claim may be taken off work due to the injury.
- ▶ When an employer wants to modify the workplace for a worker whose injury is covered by an accepted workers' comp claim.

5. How does a job modification get started?

A number of involved parties may request a job modification consultation: The attending physician, employer, consulting health-care or vocational service provider, claim manager, third-party administrator or the worker. Any existing work restrictions should be identified at this time.

All requests for job modification consultations should be directed to the claim manager, who will approve or deny the request.

6. Who is the job modification consultant?

Typically, the job modification consultant is a physical or occupational therapist, a vocational service provider, an ergonomist, or a member of the employer's staff. *Vendors may not provide a job modification consultation when they are the supplier of equipment for that modification, without prior approval from the claim manager.*

7. Who decides what type of modification is appropriate?

The job modification consultant will assess the work site and make recommendations to accommodate the worker's restrictions. The recommendations should be based on collaboration with the employer, the worker and the attending physician.

8. Who pays for job modifications?

The Department of Labor and Industries (L&I) pays for job modifications from the Second Injury Fund. L&I allows up to \$5,000 for job modification assistance per worker per job site. There must be an employer-employee relationship and restrictions that prevent the worker from performing his/her regular job before L&I can pay for a job modification. Use of the job modification benefit does not affect the employer's industrial insurance (workers' compensation) premiums.

Employers may choose to directly pay for the modifications without using the Second Injury Fund. Self-insured companies may submit a reimbursement request for expenditures to the Self-Insurance section at L&I.

9. Who owns equipment purchased as part of a job modification?

For any equipment or materials purchased using job modification funds, the employer and the worker must sign an agreement that specifies who owns the equipment.

10. How can I get more information about job modifications?

Provider Bulletin 99-11 – Job Modifications and Pre-Job Accommodations – explains how to implement job modifications and pre-job accommodations. To obtain a copy or get more information, call the L&I office nearest you and ask to talk with the Risk Management Supervisor, Therapist Consultant or Vocational Services Consultant. See Page 11 for telephone numbers.

Do you have comments or suggestions about this publication?

The *Employer's Return-to-Work Guide* explains the benefits of 'return to work' from the employer's perspective, describes RTW options, and provides resources and contact information. It is an educational tool, not a legal interpretation of the law for every case.

If you have comments or suggestions about this publication, please send an e-mail to spen235@lni.wa.gov or call 360-902-6576.

If you have questions or concerns about a specific return-to-work situation in your company, contact the assigned claim manager.

This document is available in other formats to accommodate persons with disabilities. For assistance, call 1-800-547-8367. (TDD users, please call 360-902-5797.) Labor and Industries is an Equal Opportunity Employer.

